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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,332	12/21/2001	Gilles Rubinstenn	05725.0976-00	4634

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EXAMINER	
BORISSOV, IGOR N	
ART UNIT	**PAPER NUMBER**
3639	

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/024,332	RUBINSTENN, GILLES	
	Examiner	Art Unit	
	Igor Borissov	3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 August 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Applicant's election with traverse of Claims 1-40 filed on 8/31/2005 is acknowledged. The traversal is on the ground(s) that undue searching should not be required. This is not found persuasive because the examiner believes that the restriction is proper since the subcombinations are distinct from each other and are shown to be separately usable.

Specifically, Invention I (Claims 1-40) has separate utility such as *presenting to a subject a beauty product based on the selection of a set of time-lapse body images from a plurality of sets of time-lapse body images and associated beauty products*. Invention I is classified in class 705 subclass 1.

Invention II (Claims 41-50) has separate utility such *as generating a prognosis for a subject based on information collected from the subject regarding subject's external condition, and presenting to the subject time-lapse images and other information of an individual having a prognosis similar to the prognosis of the subject*. Invention II is classified in class 703, subclass 6.

Invention III (Claims 51-56) has separate utility such as *maintaining a database containing information including time-lapse images of a plurality of individuals, and providing an access to said information*. Invention III is classified in class 707, subclass 104.1.

Examiner notes that it would be a serious burden to search all three inventions given their separate status in the art as noted above.

The requirement is still deemed proper and is therefore made FINAL.

A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claims 41-56 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 7-24,26-31 and 34-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins et al. (US 6,959,119) in view of Lambertsen (US 2002/0024528).

Hawkins et al. (Hawkins) teaches a system and method for evaluating cosmetic products on a consumer with future predictive transformation, said system including a processor, a database and a display, said method comprising:

Claims 1 and 29-31,

maintaining a plurality of sets of time-lapse body images for an individual (capturing an image of a body part, and creating a plurality of transferred images based on the original wherein said transferred images represent the effect of using a particular cosmetic product over a time period) (C. 2, L. 26, 49-51);

associating with each of the plurality of sets of time-lapse body images an identity of at least one beauty product used during the time-lapse (said transferred images represent the effect of using a particular cosmetic product over a time period) (C. 2, L. 49-51);

receiving selection information for matching the subject with at least one individual portrayed in a maintained set of time-lapse body images (gathering information from the individual concerning the individual's cosmetic needs) (C. 2, L. 56-57);

displaying to the subject the at least one set of time-lapse body images of the at least one individual (C. 2, L. 46-47);

presenting to the subject an identification of at least one beauty product used during the time-lapse (said transformed images represent the effects of using a specific cosmetic product over a time period) (C. 2, L. 49-51).

Hawkins does not specifically teach that said plurality of transferred images on an individual includes a plurality of images of a plurality of individuals.

Lambertsen teaches a method and system for virtual makeover, wherein a pre-set photographic images of celebrities are presented to an individual for selection and for applying a selected cosmetic product to said selected image [0046].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hawkins to include that said plurality of transferred images on an individual includes a plurality of images of a plurality of individuals, as disclosed in Lambertsen, because it would advantageously allow the individual to visualize the effect of particular cosmetic product on images with various features, like hair color or haircut style.

Claims 7 and 34. The method of claim 1, wherein the time-lapse body images include facial images (C. 2, L. 40).

Claims 8 and 35. The method of claim 1, wherein the time-lapse body images include images of body pads (C. 2, L. 26; C. 4, L. 54).

Claims 9 and 36. The method of claim 1, wherein the at least one beauty product is chosen from anti-aging compounds, elasticity enhancers, hair coloring products, moisturizers, tanners, anti-wrinkle agents, blushes, mascaras, eyeliners, lip liners, lipsticks, lip glosses, eyebrow liners, eye shadows, nail polishes, foundations, concealers, dental whitening products, cellulite reduction products, shampoos, conditioners, hair straightners and curlers, and weight reduction products (Lambertsen; [0028].

Claims 10 and 11. See reasoning applied to Claim 1.

Claims 12-15 and 37-40. The method of claim 1, wherein the time-lapse images for each individual are separated in time by a plurality of days (C. 2, L. 51).

Claims 16-19. See reasoning applied to Claim 1.

Claim 20. The method of claim is further comprising, associating with each image a relative time frame and advising the subject of the time frame associated with each image displayed to the subject. (C. 2, L. 51),

Claims 21-22. See reasoning applied to Claim 1.

Claims 23-24. The method of claim 1, wherein receiving selection information includes receiving information about an external body condition for which the subject expresses an interest (C. 2, L. 36-51).

Claims 26-28. See reasoning applied to Claim 1.

Claims 2-6, 25 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins et al. (US 6,959,119) in view of Lambertsen (US 2002/0024528) and further in view of Maloney (WO 01/18674 A2).

Claims 2-4 and 32-33. Hawkins in view of Lambertsen teach all the limitations of Claims 2-4 and 32-33, except specifically teaching collecting and maintaining personal information about at least one of a plurality of individuals.

Maloney teaches a system and method for providing a customized product to consumers, including collecting and maintaining personal information from the customers, including lifestyle and age related information (page 6, line 30 – page 7, line 3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hawkins and Lambertsen to include collecting and maintaining personal information about at least one of a plurality of individuals including lifestyle and age related information, as disclosed in Maloney, because it would advantageously allow to select the most suitable product for a particular individual.

Claims 5 and 6. Maloney teaches selling customized product to the individual, thereby indicating providing said individual with information on how to purchase said customized product.

Claim 25. Maloney teaches receiving answers to a series of personal questions, and identifying similarities between answers to the series of questions and personal information about at least one individual from the plurality of individuals (page 7, lines 1-32).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

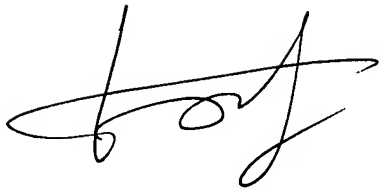
Utsugi (US 6,502,583) discloses a method of transforming a person's face with a model until a desired image is achieved (C. 8, L. 23-36).

Lawton et al. (US 5,990,901) teaches a method of morphing with editing features for makeup at (C. 10, L. 1-2.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Igor Borissov
Patent Examiner
Art Unit 3639



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